

Smith River State Park and River Corridor Recreation Management Plan

Response to Public Comments

July 20, 2009

On July 20, 2009 FWP issued a Decision Notice for the Smith River State Park and River Corridor Recreation Management Plan and Environmental Assessment. All of the comments on the Draft Plan and EA were recorded in their original format and sorted into categories that included the Issues in the EA and other topics pertaining to the Draft Plan. This was followed by a *quantitative* and *qualitative* analysis on the comments. The *quantitative analysis* recorded the total number of people who commented on a particular issue or topic; the number of people who supported each alternative; and the number of people who commented on an issue or topic but did not clearly support an alternative. The *qualitative analysis* consolidated similar or identical comments into one comment. A response was prepared for each comment and the results included in this document titled Response to Public Comments. To view a copies of the Decision Notice or the Final Plan visit the FWP web site, Smith River Plan (fwp.mt.gov).

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Response to Public Comments

1 FLOATER OPPORTUNITIES

Alternatives

Alternative A: Maintain Current Lottery and Allocation System

Alternative B (Preferred by Agency): Establish Minimum Age Requirement

Alternative C: Establish Minimum Age Requirement, One-Year Waiting Period, and Group Size Reduction Incentive

Comments

- a) **Comment:** The minimum age requirement for applicants would result in only a small increase in odds for other applicants at the expense of opportunities for youth to apply and obtain a permit.

Response: The amount of the increase would depend on the number of people who apply for a permit. FWP examined the applicant data for the years 2004 through 2009. Using this data set, FWP estimated that a minimum applicant age requirement of 18 would have reduced the applicant pool by approximately 4.0% or anywhere from 230 to 280 applicants per year. The overall odds of drawing a permit would have increased around 1.0%. FWP will consider this relatively small increase in drawing odds along with any potential impact on youth opportunities to participate in the drawing.

- b) **Comment:** The current system unfairly favors families with children in that they can submit a permit application for each member of the family. A minimum age requirement would allow for a better distribution of the permits.

Response: As illustrated by the comments on this issue, some people support a minimum age requirement for the reason that it would increase the odds of drawing a permit if the number of people applying is reduced. Other people argue that there is little difference between family members applying for permit compared to a group of friends applying for a permit.

- c) **Comment:** If the intent of the proposed minimum applicant age requirement was to ensure there is a responsible adult leading the trip, a better approach would be to require the presence of an adult on each trip without imposing a minimum age requirement for applicants.

Response: The minimum applicant age requirement was proposed as a means to ensure that successful applicants are mature enough to lead a trip and as a means to increase the statistical odds of drawing a permit by removing children and infants from the application pool. Requiring an adult to be present on all float trips is another means of helping to ensure there is a responsible trip leader.

- d) **Comment:** FWP, like many other agencies, is working to encourage youth to participate in outdoor recreation in reaction to national trends that show fewer youth participating in outdoor activities. A minimum applicant age requirement may result in fewer young people enjoying the Smith, something that is contrary to the agency's goal of increasing youth participation.

e) **Response:** FWP is concerned about the decrease in youth participating in outdoor activities and the agency has a number of programs designed to address this issue. The interest in floating the Smith River far exceeds the opportunities (permits) available and therefore FWP is examining ways to increase the odds for people to participate. This includes considering a minimum age requirement. Prior to making a decision FWP will consider the benefits of a minimum age requirement and whether this approach might have a detrimental impact on youth interest in the Smith River and the outdoors in general.

f) **Comment:** Children in school are limited to float trips that occur during the peak of the float season, the most difficult launch dates to obtain. Therefore, it is fair for families with children to submit an application for each family member (regardless of age) as a means to increase their drawing odds for these peak launch dates.

Response: The odds of obtaining a permit for a launch date in the peak season are less for everyone. As pointed out in this comment, it could be more difficult for families with school-age children to apply for launch dates outside of the peak period when school is in session. Likewise, there are various reasons for why people choose to apply for peak season launch dates, e.g. vacation time, weather, water flows, etc.

g) **Comment:** Like adults, children under sixteen appreciate the unique experience of a Smith River float trip. The permit application process, and the excitement of drawing a permit, is something that children should be able to experience.

Response: While the minimum age requirement would prohibit children under 16 to participate in the permit application process, they would still be allowed to participate in a float trip. FWP appreciates the excitement associated with drawing a permit and will take this into consideration as a part of assessing ways to increase the opportunities for people to obtain a permit.

h) **Comment:** A benefit of the current system (assuming that it increases the odds for families with children) is that family groups tend to be smaller in number and therefore have less impact on the resources and other floaters.

Response: FWP does not have specific data that would verify whether groups with children are on average smaller than groups without children.

i) **Comment:** FWP allows someone who is 12 years old to obtain a hunting license and yet is proposing a minimum age requirement to apply for a Smith River Permit. This seems contradictory if the purpose of the minimum age requirement is meant to ensure the applicant is mature enough to lead a Smith River trip.

Response: There may be some merit in comparing a Smith River float trip with other activities of a similar nature in terms of the maturity of the participant. In each case the safety of the participant and those around them must be considered.

- j) **Comment:** A preference point system would eventually reward those people who consistently submit a permit application.

Response: The extent to which a preference point system would increase the odds of an individual obtaining a permit would depend in part on the number of other people accumulating preference points.

- k) **Comment:** If the goal is to increase the odds of drawing a permit, the wait-period should apply to everyone who floats the river, not just the person who draws the permit.

Response: FWP could consider applying a waiting period to all people who float the river, regardless of whether they were the permit holder. While this would increase the odds for some people, it would also impact a larger number of people who would have to wait to float the river.

- l) **Comment:** A waiting period would increase the odds of drawing a permit for those people who do not have a social network of friend who also apply for a permit.

Response: Having a social network of friends applying for permits is one way that people are able to float the river. As noted, this could be perceived as unfair to those individuals who apply on their own and do not get to go if they personally do not draw a permit. There are pluses and minuses associated with each approach.

- m) **Comment:** FWP could implement a waiting period for successful applicants but still allow these people to obtain cancelled permits.

Response: This idea could help to alleviate the concerns of people who draw a permit and do not want to be prohibited from participating on another float trip.

- n) **Comment:** FWP should take steps to increase the odds for people who have never drawn a permit.

Response: The preference points system for unsuccessful applicants and a waiting period for successful applicants are two ways to increase the odds of someone drawing a permit. Imposing a one-year waiting period for successful applicants would provide a greater increase in statistical odds.

- o) **Comment:** The drawing system should be designed so that if a person's name is drawn the system considers all of the dates (choices) they submitted before going on to the next person.

Response: The Smith River permit allocation system considers all of the first choices for a particular date and randomly allocates the permits (9 maximum). The system does this for each date, randomly allocating permits to the first choices. The system then goes back through the dates and allocates permits to second choices for days when there are permits still available (days on which there were fewer than 9 first choices). The system repeats this process for the third choices. FWP can consider alternatives to this approach but this system was designed to be as fair as possible to all applicants and mirrors the system used to allocate special hunting permits.

- p) **Comment:** The current permit allocation system provides an unfair advantage to outfitters in that FWP designates a certain number of trips for commercial use. An improvement would be to allocate all of the permits to the public and then allow the permit holders to decide whether they want to hire the services of an outfitter.

Response: The Smith River Act mandates FWP to provide continued recreational and commercial use. Commercial outfitting on the Smith River has averaged 53 launches per year over the past 15 years, or approximately 8% of the total number of launches during that time period. Changing to an allocation system that issues permit to individuals (none to outfitters) could result in more non-outfitted opportunities to float the river while having a negative impact on the outfitting industry on the Smith River, which is accustomed to booking trips far in advance.

- q) **Comment:** One way to increase the success rate it to allocate permits to groups, rather than to individuals. This would help to reduce the number of cancellations that occur when multiple people from one group apply for a permit

Response: There are permitted river systems in which a group has to apply for the permit, all of the participants are named in the application, and the people listed are not eligible to apply for a separate permit. This approach requires additional trip planning in advance to identify all of the people who plan to go on the trip. FWP will take this into consideration as a part of evaluating various ideas to improve floater opportunities.

- r) **Comment:** FWP should consider ways to encourage smaller groups, such as enhanced drawing odds for small groups.

Response: FWP could develop incentives for people who agree to float as a smaller group (less than the 15 person maximum group size). This could include preference points for small group applications.

- s) **Comment:** The successful applicants affected by the waiting period might join other groups in the future (during the waiting period) and therefore increase the average group size.

Response: FWP will take this into account before making a final decision.

- t) **Comment:** The Smith River Citizen Advisory Committee did not support a waiting period or preference points system and therefore this alternative should not be considered.

Response: FWP considered the recommendations of the advisory committee when developing the Draft Management Plan and Environmental Assessment. The committee's recommendations and the public comments will be considered before making a final decision.

- u) **Comment:** Reissuing all cancelled permits is a viable proposal that would enable more people to float the Smith River (as opposed to the current policy where some of the cancelled permits are not reallocated during the peak season). Consider limiting the reallocated permits during the peak season to a reduced group size number.

Response: FWP is considering this idea as one way to increase opportunities to float the river within the overall cap on permits and people. The current policy of not reallocating all of the cancelled permits during the peak period is intended to address concerns about social condition during the peak use season. Some people have pointed out that there is a maximum group size and a cap on launches allowed per day and that FWP should allocate all opportunities within these sideboards.

- v) **Comment:** To increase the opportunities for people to float the river, consider limiting the number of times that person is allowed to float the river each year. This would enable other people to go in their place.

Response: This idea assumes that in the absence of people who already floated the river that year, a group would fill those spots with other people who have not already floated. This proposal involves both personal and group dynamics that are difficult to predict.

- w) **Comment:** The permit allocation system should provide preference for residents of Montana.

Response: FWP has rules governing the recreational use of rivers in Montana, which state that nonresidents should have reasonable and equitable opportunities compared to other recreational users to enjoy Montana's resources. "Reasonable and equitable" as applied to nonresidents means recreational use that fairly considers the interests of all types of recreational users, and is not intended to mean that each type of recreational user must have the exact same share of use in terms of the timing, amount, and location of use. The rules also state that management plans and rules may not differentiate based solely on the residency of the river user unless the FWP commission determines the best available data indicate that the amount of use by residents or nonresidents is a primary contributor to an identified problem. While nonresidents do obtain permits to float the Smith, FWP has not concluded that the portion of permits that go to nonresidents is a primary contributor to the overall difficulty of drawing a permit.

2 BOAT CAMP SELECTION PROCESS

Alternatives

Alternative A: Continue the First Come – First Serve Boat Camp Selection Process

Alternative B (Preferred by Agency): Implement a Random Boat Camp Selection Process

Comments

- a) **Comment:** The current system of float groups choosing boat camps based on the order that groups arrive at Camp Baker (first-come, first-serve) is simple and the public is already accustomed to this system. This raises a question as to why FWP sees a need to change to a new system.

Response: FWP does not dispute the fact that there are people who are accustomed to the current selection process and would prefer that FWP not make any changes. FWP has also heard from some people who believe that the first come – first serve selection process favors those people who have the ability to show up early and that there are some people who cannot

arrive early enough to obtain a higher spot in the selection order. The random selection process could help to create a more equitable selection process and eliminate the need to arrive a day or more in advance in order to get in line. The comments received during this planning process will be used to determine the public's support and/or concerns for the two approaches to boat camp selection.

- b) **Comment:** The department suggests that it would use floater logs and other forms of public input to evaluate the random boat camp selection process. The floater logs from past years do not indicate that the boat camp selection process is a problem, which raises a question as to why FWP sees a need to change to a new system.

Response: FWP has received some input in the past from people dissatisfied with the current first come – first serve system. Comments received on this draft plan and the alternatives for boat camp selection will be useful to determine the nature and extent of the concern.

- c) **Comment:** A random boat camp selection process would be more complicated for the department to administer and for the public to understand.

Response: FWP acknowledges that there are details associated with Alternative B that would have to be addressed before implementation. FWP proposed to implement Alternative B on a two-year trial basis which would enable the agency to evaluate the system, make improvements, or return to the original first come – first serve selection process. Initial consideration of Alternative B has not indicated that there would be ongoing additional implementation cost (beyond the costs of the current system). There could be some initial costs associated with getting started but these are not predicted to be significant.

- d) **Comment:** Randomly assigning boat camps to people would make it difficult for people to schedule trips based on the size of their group, the miles they want to travel each day, and their preference to camp at a favorite camp or near a fishing hole or hiking trail.

Response: The random selection process would only apply to the order in which people select their boat camps. FWP would not randomly assign boat camps to people, which would mean that they would have no ability to select camps on their own. FWP concurs that randomly assigning camps could create logistical problems for floaters. A random picking order, however, would not be significantly different than the first come – first serve process once the picking order has been established: Under both systems there would be people who get to pick camps before others get to pick and the potential for people who pick last to have fewer alternatives.

- e) **Comment:** Under the current boat camp selection process, even those people who choose last have access to desirable boat camps.

Response: With either approach, there would be people who pick camps after others have already selected some of the camps. FWP acknowledges that the boat camps have different attributes, some of which are more desirable than others. However, all of the boat camps can accommodate the maximum group size and provide a suitable overnight camping experience.

- f) **Comment:** One benefit of the first come – first serve selection process is that float groups arrive early at Camp Baker and have time to prepare for their trip and enjoy each others company.

Response: FWP recognizes the enjoyment and benefits derived from arriving at Camp Baker the day before the launch date. This opportunity would exist under either alternative.

- g) **Comment:** A random selection process would cater to people who want to put minimal effort into getting to the launch site. The current system favors residents of Montana and changing to a random process would make it easier for nonresidents to select camps before residents.

Response: There are various reasons for why some people arrive at Camp Baker later than others. This may be due to travel distances, work schedules, or vacation schedules. FWP would not categorize these people as putting minimal effort into getting to the launch site. Neither of the boat camp selection processes are designed to favor residents or nonresidents.

- h) **Comment:** The first come – first serve boat camp selection process is unlikely to increase the number of people who visit White Sulphur Springs businesses, as was suggested in the Environmental Assessment.

Response: FWP does not dispute the fact that some people patronize businesses in White Sulphur Springs under the current boat camp selection process. There is the potential for increased business in White Sulphur Springs if more people choose to stay overnight there instead of staying at Camp Baker because they want to secure their place in the picking order (current system). FWP cannot quantify this assumption however and therefore the agency will not make its decisions solely on this matter.

- i) **Comment:** The Draft Plan indicates the department's interest in ensuring that all of the boat camps can accommodate a group of fifteen people. Under the current system of selecting boat camps it is not necessary to ensure all boat camps can accommodate fifteen people.

Response: It is FWP's goal to ensure that each boat camp is physically capable of accommodating the maximum group size (15 people). The purpose of this goal is to ensure that floaters have enough room for cooking and camping within the core camping area while minimizing resource impacts outside of the impact area. This goal would apply under the current boat camp selection process and the random selection process.

- j) **Comment:** Under a random boat camp selection process the outfitters may not be able to find campsites adequate for their clients if they are low on the selection order.

Response: Another point of view is that all floaters, commercial and noncommercial, should have equitable opportunities to select the campsites they desire – no system should favor the interests of outfitters over the general public or visa versa. FWP has assessed each boat camp and while some have larger areas or more popular attributes than others, FWP believes that all can accommodate the maximum group size.

- k) **Comment:** It is not fair that guides (sometimes paid by the outfitter) can show up before everyone else as a means to secure a place in the selection order. A random selection process would be more

equitable for all floaters. The random selection process should apply to both commercial and noncommercial users.

Response: The proposal to implement a random selection process was based in part of concerns from people who observed commercial users (outfitters or guides) arriving early at Camp Baker in order to secure a place in the selection order. Some people viewed this as an unfair practice that placed the general public at a disadvantage compared to commercial users who could pay someone to arrive early. The random selection process could help to address this concern but it does not specifically target commercial users and instead is designed to provide a more equitable system for all users. The proposed random selection process would apply equally to commercial and noncommercial users.

- l) **Comment:** A random boat camp selection process would eliminate the need to stay overnight at Camp Baker in order to secure a place in the selection order. This would benefit the people who are concerned about the camping conditions at Camp Baker (noise, rude behavior, late night arrivals). It would also benefit people who under the current selection process make two trips to Camp Baker in order to drop someone off early to establish a place in the selection order.

Response: Switching to a random boat camp selection process could result in fewer people staying overnight at Camp Baker and provide people the choice to stay elsewhere the night before their launch date. The issues of noise, rude behavior, and late night arrivals could be a concern under both Alternatives. FWP appreciates this input and will continue to promote and enforce appropriate behavior at Camp Baker. Alternative B could reduce the need to arrive at Camp Baker early and cut down on the number of trips and/or vehicles required.

- m) **Comment:** The first come – first serve selection process creates extra stress and congestion at Camp Baker for the reason that some people arrive two or three days ahead of their launch date just so they can be the first to choose campsites.

Response: Alternative B would attempt to reduce the need for people to arrive at Camp Baker early solely for the purpose of securing a place in the selection order. FWP recognizes that some people choose to arrive early for other reasons, e.g. time to organize gear and equipment. FWP is concerned about congestion at Camp Baker and is evaluating several ways to address this issue.

- n) **Comment:** FWP could allow people who arrive the day before their launch date to request sites. The actual assignment of sites could occur early enough in the morning so that people have the opportunity to launch early in the day without a delay.

Response: There is the potential to assign boat camps to people who arrive the day before their launch as long as the selection order was maintained. For example, if the first three groups show up the day before, FWP could register them and allow them to pick their camps. FWP would also conduct registration and the selection process early enough in the morning to allow people to launch at their desired time.

3 RIVER CAPACITY AND SOCIAL CONDITIONS

Alternatives

Alternative A: Maintain Current River Capacity, Permit Allocation, and Quantitative Social Indicators and Standards

Alternative B (Preferred by Agency): Maintain Current River Capacity and Establish a Social Indicator with Qualitative Standards

Alternative C: Reduce River Capacity and Permit Allocation and Maintain Current Social Indicators and Standards

Comments

- a) **Comment:** The number of encounters with other boaters is not a good indicator for solitude for the reason that there are too many other variables to consider. The Smith River is not designated as wilderness and social encounters with other people should be expected.

Response: FWP does not manage the Smith River as wilderness. However, as the managing agency, FWP is required to maintain the public's opportunity to enjoy the "natural scenic beauty and solitude" of the Smith River in accordance with the Smith River Management Act (1989). The allocation of nine launches per day does result in encounters with other people. However, the frequency and volume of people encountered is a very important issue to many people who engage in outdoor recreation activities. The *2000 Study of Smith River Floaters* reflected a strong orientation toward experiencing solitude and experiencing some very wild country.

- b) **Comment:** In regard to using satisfaction with encounters as a social indicator, would this apply to boats on the water or also include boats at campsites?

Response: The concept of a Limits of Acceptable Change (LAC) Indicator is based on selected an overarching indicator that is most representative of the desired social conditions. Encounters would be carefully defined to pertain to individual boats on the river encountered while floating the river and would not pertain to boats at the put-in, take-out and at boat camps.

- c) **Comment:** The floater logs indicate that current satisfaction is high and that should be an indication that the current social conditions are acceptable.

Response: The floater logs and the *2000 Study of Smith River Floaters* reflect a high level of visitor satisfaction with the social and experiential conditions on the Smith River. However, existing standards for number of people in the river corridor at one time and average group size have been exceeded several times in the past 10 years.

- d) **Comment:** Moving to a qualitative social indicator (satisfaction with encounters) and doing away with the quantitative indicators is consistent with current research findings that suggest that encounters with other groups has more affect on visitor satisfaction.

Response: There is ample outdoor recreation-based social research to suggest that encounters with other groups or individuals has an affect on visitor satisfaction. There are several examples where other agencies have selected “encounters” with other persons or groups as the most appropriate indicator for desired social conditions.

- e) **Comment:** The current floater capacity is appropriate for floaters but less so for people accessing the river by foot to fish.

Response: The Smith River Management Plan and Environmental Assessment primarily focuses on river recreation and permitted floating activities. The plan does not introduce any capacity restrictions for individuals who lawfully access the river corridor on foot or horseback.

- f) **Comment:** A reduction in the number of launches, maximum group size, and the number of watercraft allowed per group should be a part of the final decision. As a means of reducing resource and social impacts, consider ways to reduce the size of groups on the Smith River. The quality of the experience is directly proportional to the size of the groups encountered.

Response: The *2000 Study of Smith River Floaters* reflected a low level of support for decreasing current limits on the number of groups allowed to launch each day during the peak us season. FWP carefully considered an alternative in which floater launch allocations and/or group size would be further limited. With respect to group size, research of group size limits on other western rivers indicates that the Smith River already has one of the lowest maximum group size limits.

- g) **Comment:** FWP should cease to advertise the Smith River – there are already too many people using the Smith River.

Response: The Smith River is a unique and important part of Montana’s State Park system and as such receives some recognition and advertising in that capacity. FWP does not actively encourage the public to visit the Smith River through paid advertising. However, FWP is responsible for ensuring that any interested Montanan or out of state visitor has access to information that provides equal opportunity to experience the Smith River. Current public information provided through the Smith River website, appropriate news releases, and other FWP sponsored publications focuses on trip planning, permit application procedures, public safety, resource protection, river regulations, all of which are important to the long range stewardship and enjoyment of this public resource.

- h) **Comment:** Suggest that FWP cap use on the Smith at the 14-year average as was done in the Forest Service EIS for the Little Belt Travel Management Plan (2007).

Response: There are distinct differences between the U.S. Forest Service Little Belts Travel Management Plan which is focused primarily on foot, stock, and motorized recreation access and the FWP Smith River Management Plan which is focused primarily on river recreation. However, FWP does support the concept of containing Smith River use at current levels.

- i) **Comment:** When addressing river capacity it is important to consider the perspective of the landowners and their tolerance for increasing use.

Response: FWP acknowledges that the perception of river corridor landowners regarding river capacity and use levels may vary from those of the floaters. Landowner concerns with increasing use were a factor in the plan's desired condition to contain use levels at current levels and not increase the number of daily launches or maximum group size.

- j) **Comment:** Designating certain boat camps for larger groups would reduce conflicts with smaller groups and ensure that the resources at those camps can withstand the impacts from large groups.

Response: There is little evidence showing a relationship between user conflicts and the size of boat camps, other than the fact that some large groups occasionally get upset when a smaller group obtains a boat camp that they coveted. FWP has carefully evaluated all of the boat camps (see page 118 of the draft Management Plan) and concluded that all boat camps can adequately accommodate the maximum group size of 15 persons, with varying levels of space. Resource impacts in boat camps can be mitigated in a number of ways, regardless of the size of the group or the campsite. Complying with public use regulations and conscientiously practicing Leave No Trace outdoor ethics are perhaps the best overall means of minimizing resource impacts.

- k) **Comment:** Solitude is only one of several factors that influence overall satisfaction with the Smith River float experience and it means different things to different people. The floater logs would be a better indicator than encounters with other groups for the reason that floater log satisfaction indicates overall satisfaction with a number of different variables and overall satisfaction is consistent with the intent of the Smith River Act.

Response: There are many factors that can affect a floater's social and experiential values and level of satisfaction with their Smith River. When administering a "limits of acceptable change" process it is typical to select an indicator that is most appropriate or reflective of the overall desired conditions for an area or experience, rather than a broad or open ended set of indicators. Therefore FWP selected "encounters with other boats" as the indicator that was most reflective of the desired conditions for the Smith River. FWP notes that according to the Smith River Management Act, the Smith River waterway must be administered to maintain the opportunity to enjoy the natural scenic beauty and solitude. The floater logs provide an important means of monitoring floater perceptions and satisfaction with their Smith River experience on a very broad basis. However, the logs are not designed or administered in a scientifically or statistically valid method, prompting the need for a properly designed method to assess floater satisfaction with the desired social conditions.

- l) **Comment:** The current quantitative indicators and standards are arbitrary and have no bearing on user satisfaction.

Response: FWP shares this concern in that the current indicators and standards based on the total number of groups and floaters in the canyon does not have an immediate effect on individual floater parties. This concern prompted consideration for a qualitative satisfaction based survey methodology rather than the current quantitative methodology.

- m) **Comment:** It is important to retain quantitative indicators. The downside of relying solely on user satisfaction to gauge river capacity is the potential for increasing the river capacity if user satisfaction is high.

Response: FWP agrees that overall use levels must be contained at current levels. The alternative that applies qualitative methodology is intended to assess floater satisfaction. FWP could reduce the number of daily launches or maximum group size at some point in the future if floater satisfaction is low.

- n) **Comment:** The average group size in past years has been less than the maximum allowed and therefore it is not necessary to reduce the maximum allowed and eliminate this option for those that do want to have a larger group.

Response: Based on a quantitative approach, the average group size over the past 15 years is 6.54 people, as compared to the maximum allowance of 15 persons. This quantitative approach does not necessarily reflect the effects of group size on social or experiential values of other floaters. Additionally, the average group size has been steadily rising since 2006.

- o) **Comment:** Suggest that FWP enable people to mail in the user satisfaction information rather than asking people to provide this at the take-out when people are busy putting away gear.

Response: FWP will consider other ways to gather floater satisfaction information. Options include a mail-in, phone-in or website based methodology.

4 USER FEES

Alternatives

Alternative A: Maintain Current User Fees

Alternative B (Preferred by Agency): Implement Modest User Fee Increases, Charge Fees on a Year-Round Basis, and Establish a Super Permit Lottery

Comments

- a) **Comment:** The current fee system is adequate to meet the costs of managing the river.

Response: The Parks Division of FWP reviews its fee structure every two years (biennial fee rule) and makes recommendations to the FWP commission to modify fees. FWP does the same for Smith River State Park within the Smith River Special Use Rule. Fee increases over time are necessary to keep up with inflation and increased operational costs. The revenues generated by Smith River State Park are deposited into the general parks earned revenue fund and help support the operations of the park system as a whole.

- b) **Comment:** FWP should determine the current cost of administering the drawing and compare this amount with the projected revenue that might result from a nonrefundable application fee. The fee mechanism should be revenue-neutral: an amount that covers the cost of administering the drawing. FWP should not use the fee increase as a means to enhance gross receipts for the agency.

Response: Smith River State Park, like all Montana state parks, is a user-supported program. It is important that FWP maintain a viable user fee structure (non-commercial and commercial) to sustain operations while remaining fair, equitable, affordable and commensurate with other high quality outdoor and river recreation opportunities. Alternative B (Preferred Alternative) strives to increase revenues while also eliminating the administrative costs of issuing refunds.

- c) **Comment:** A nonrefundable application fee could decrease the number of people applying for applications and result in a loss of revenue for the department.

Response: There is the possibility that a nonrefundable application fee could lead to fewer people applying for permits. It would be important to establish a fee amount that is reasonable so as not to make the application process cost-prohibitive. Given the continued popularity of the Smith River, FWP feel it is highly unlikely that a significant reduction in interest will occur based on the modest non-refundable application fee.

- d) **Comment:** FWP has not provided the public information on the costs of implementing the permit system and the revenue generated from the permit fees. FWP should not increase permit fees until this information is provided and only increase fees if this information shows a need for additional revenue.

Response: As noted earlier, user fees are an essential component of revenue enhancement that funds state parks operations. The administrative costs associated with the permit drawing have increased substantially over the past several years due to an increase in the number of applicants. During this same time period, user fees have not increased and thus have not kept pace with costs.

- e) **Comment:** The current economy presents challenges for vacationers and therefore this is not an appropriate time to increase the fees.

Response: Any proposal to increase fees would be balanced with FWP's intent to provide affordable opportunities for the public to enjoy the Smith River.

- f) **Comment:** The proposed fee increase for Smith River corridor landowner floats (non-immediate family) is not fair when compared to the fees charged to other users. This category of users would pay a higher amount even though they use the infrastructure and sites less often than the general public floaters (landowner floats are not allowed to do overnight trips and usually use private land to launch and take out).

Response: FWP will consider the costs associated with administering landowner, private and commercial floats when determining a fair and equitable fee structure for all users.

- g) **Comment:** The proposed fee increase would not be necessary if FWP had not erected two buildings at the Camp Baker put-in. These buildings were not necessary.

Response: A house and Ranger Station office were added to Camp Baker in 2007. The funding for this Capital Improvement Project was derived from capital funds approved in the last biennium. The old log cabin, which is still currently on site and now serves as equipment storage, had served as the office and employee housing for river rangers since 1983. FWP

strives to provide a clean, safe and comfortable working environment for its employees. Due to issues of structural dilapidation, cramped living and working space, heating inefficiencies, life-safety deficiencies, and serious rodent problems to name a few, the log cabin was deemed inadequate and unsafe for housing purposes. It was determined that the most cost effective and efficient solution was to construct new living quarters and a separate office structure (Ranger Station) which is open to the public. These improvements have not only benefited the health, welfare and comfort of the river rangers but have also resulted in improved safety, comfort and customer service for floaters at Camp Baker.

- h) **Comment:** FWP should increase the fee for outfitters in order to generate additional revenue.

Response: FWP will consider all user groups when recommending new and modified user fee increases.

- i) **Comment:** A modest fee increase is appropriate as long as the price remains affordable for most people to participate.

Response: As explained earlier, any fee increases and/or nonrefundable permit fee would be modest and should not adversely affect the ability of the general public to afford a float trip.

- j) **Comment:** Charging fees year-round would allow for better control of people on the river.

Response: Currently a permit is required and fees are charged to float the river from April 01 through October 31. Charging fees year-round would allow FWP to capture this use statistically and be reimbursed for the associated impacts to the natural resources within the boat camps and to the facilities (tie-off posts, fire rings, pit toilets).

- k) **Comment:** FWP should not charge fees year-round. The number of groups that want to float during off-season is relatively few and it would cost FWP more to administer this use than the revenue it would generate.

Response: Currently a permit is required and fees are charged to float the river from April 01 through October 31. Outside these dates, a permit and associated fee are not required since it was essentially unheard of for individuals to float during these shoulder seasons. In recent years however, FWP has begun to recognize that a few groups are choosing to float the river during the shoulder seasons of early spring or late fall. These individuals are not paying fees but yet are using facilities and contributing to resource impacts within the boat camps (tie-off posts, fire rings, pit toilets). FWP is recommending that floater fees be charged on a year-round basis to recognize all users and associated impacts. The costs to administer year-round use will be minor in comparison to the revenue generated since floaters would be required to self-register as they currently do when Camp Baker is unmanned.

- l) **Comment:** Charging a camping fee at Camp Baker seems like a reasonable proposal.

Response: FWP recreation sites that accommodate overnight camping experience a much higher cost to manage and maintain than day use sites. Charging overnight camping fees at Camp Baker are a means to support these costs.

- m) **Comment:** Floaters are already paying \$25 to \$50 to float the river and therefore it is not reasonable to establish a fee for camping at Camp Baker. FWP should not charge camping fees at Camp Baker for the reason that it is a state park and vehicle license registration allows a resident to camp for free at State Parks.

Response: FWP recreation sites that accommodate over night camping experience a much higher associated cost to manage and maintain than day use sites. As the average group size continues to increase the costs and staff-hours to maintain the visitor use facilities at Camp Baker also continue to increase. Charging overnight camping fees at Camp Baker are a means to absorb these costs. The optional \$4 vehicle registration fee allows Montana residents free *entrance* to a state park - camping fees still apply.

- n) **Comment:** Additional revenue from a fee increase should be used for improvements along the river. Examples of improvements include boat camp improvements, land acquisition, ranger patrols, resource protection, and human waste management. The money should not go into the general fund.

Response: The Smith River is managed by FWP as a unit of the state park system. The revenues generated by Smith River State Park are deposited into the general parks earned revenue fund and help support the operations of the park system as a whole. This is also the case for the other state parks. A portion of additional revenue generated by fee increases is used for Capital and Major Maintenance Projects such as resource protection and land acquisitions as well as to fund additional positions like park rangers and river rangers.

- o) **Comment:** The department has not used any money from the Corridor Enhancement Account within the river corridor.

Response: The Corridor Enhancement Accounts governing statute (23-2-409, MCA) requires the fund dollars be spent on projects that typically are high in cost. The law requires that the account be expended on fee title purchase or partial property interests or leases, watershed and recreational value protection projects, and in-stream flow projects. FWP has intentionally allowed this fund to grow to a reasonable amount in order to maximize the scope and breadth of projects that can adequately be funded. FWP is anticipating that this account will be used in the near future for one or more of the aforementioned types of projects.

- p) **Comment:** FWP should establish a damage deposit or a refundable fee that would be retained by the agency if floaters violate leave-no-trace ethics.

Response: Several of the principles of leave-no-trace ethics are currently covered by administrative rules and regulations prohibiting or requiring certain behaviors or acts. Examples include proper disposal of waste (littering), leave what you find (antiquities laws, both state and federal) and respect wildlife (unlawful feeding). Violations of these regulations may result in enforcement actions and associated fines or penalties.

- q) **Comment:** FWP should only issue one permit through the proposed Super Permit lottery.

Response: Alternative B proposes to allocate only one permit through a Super Permit lottery.

- r) **Comment:** The draft plan and EA does not identify the cost of implementing the proposed Super Permit lottery.

Response: FWP has the infrastructure and staff specialists in place to establish a “super permit” lottery. FWP would analyze the fiscal impacts of implementing a proposed Super Permit Lottery to ensure that it is viable.

- s) **Comment:** A super permit lottery might raise additional revenue but it would not address over-use issues and it could discriminate against those people who cannot afford to participate in the super permit lottery.

Response: Revenues generated by a Super Permit would be deposited into the Corridor Enhancement Account where they could be used for resource protection projects. FWP would propose that the Commission adopt a Super Permit application fee that is affordable and consistent with other special permit lotteries.

- t) **Comment:** The Environmental Assessment (EA) states that applying a nonrefundable permit application fee for telephonic cancelled launch requests would help offset administrative costs. The EA provides no explanation as to the purpose and need for this proposal.

Response: Page 95 of the draft EA, under the heading Implementation, states that the purpose of a nonrefundable permit application fee is a “means to cover the cost of administering permit applications”. The telephonic Smith River Reservation line is a major component of administering applications after the initial drawing is completed.

5 PET POLICY

Alternatives

Alternative A: Continue to allow pets on Smith River float trips

Alternative B (Preferred by Agency): Prohibit pets on Smith River float trips

Comments

- a) **Comment:** Dogs are an important part of family activities and recreational experiences.

Response: FWP agrees that pets are an important part of family activities and outdoor recreation. FWP has to balance this with the serious concerns related to pets on the river corridor.

- b) **Comment:** Most pets on the river are kept under control and do not cause problems. Dogs should be allowed under responsible supervision.

Response: FWP acknowledges that many pet owners lawfully comply with Smith River pet regulations. There is also evidence of numerous pet owners who have not complied with the pet regulations. While problems created by pets are not statistically overwhelming, numerous

problems and issues are observed or reported each year, many of which adversely affect the enjoyment and experience of other floaters.

- c) **Comment:** Require a fee and/or a permit for each dog in a group. This may reduce the number of irresponsible dog owners from floating the Smith River.

Response: A pet fee might reduce the number of parties bringing pets on the float trip. A fee would also increase the earned revenue generated by the Smith River program. FWP does not concur that a fee would enhance overall compliance with pet regulations. A fee would also create an administrative workload at Camp Baker that would slow down the overall registration process and would not ensure responsible owner/pet behavior on the river corridor. Compliance with regulations is based on visitor behavior and respect for regulations rather than a separate individual permit.

- d) **Comment:** Adopt a rule stating that the number of dogs per group cannot exceed the number of adults in the group.

Response: This might enhance overall oversight and handling of each dog on a float trip, which could enhance overall compliance with pet regulations. FWP notes that under the current pet policy there are normally adult owners/masters of pets, yet compliance with pet regulations remains an issue. Many of the issues and concerns with pets referenced in the draft Management Plan and Environmental Assessment may occur regardless of responsible pet care and handling on the river.

- e) **Comment:** Some people are unaware of the pet rules and the requirement to remove dog waste. Consider a trial period to educate floaters and monitor compliance with pet regulations before implementing a prohibition, e.g. issue each dog owner or permit holder a complete list of pet rules along with ten dog waste bags.

Response: FWP has increased its education and outreach to educate floaters on the pet regulations and the requirement to remove pet waste. This information is included in the pre-float information packet, on the Smith River website, and at Camp Baker during the floater registration and orientation. Beginning in 2009, the pet regulations are also included in the floater map that is provided to each boat. FWP's previous educational efforts have constituted a "trial period." Despite this effort, the overall level of compliance with pet regulations is not acceptable. The requirement to remove pet waste is authorized in the Parks public use regulations under ARM 12.210 (Sanitation and Litter Waste Disposal). Pet waste has an undesirable aesthetic and sanitation impact in boat camps and is a potential vector for spreading pet-borne diseases to wildlife. There is abundant research that indicates dog waste (feces) can spread the following diseases: Parvo Virus, Whipworms, Hookworms, Roundworms, Giardia, Coccidia. The potential for spreading these diseases is influenced by numerous issues, including the status of a dog's vaccinations, deworming, and overall medical condition. Wolves, Coyotes, and Foxes are vulnerable to Parvo Virus, while dog feces can spread Giardia to all mammals, including humans. While the volume of dog waste inappropriately left on the river corridor is most likely low, the potential for spread of these diseases remains a possibility.

- f) **Comment:** Limit pets to certain campsites with lower risk of trespass or livestock harassment or prohibit dogs in some, but not all, campsites.

Response: FWP agrees that certain campsites pose less risk of trespass or livestock harassment. However, other issues related to public safety, wildlife harassment, noise pollution (barking), and pet waste represent significant concerns that are not related to proximity to private property. The majority of the issues and concerns regarding dogs on the river can occur in any of the boat camps and FWP does not wish to implement an inconsistent pet policy along the river corridor.

- g) **Comment:** Pet owners are the problem. Irresponsible owners should be subjected to fines for noncompliance and/or loose permit privileges in the future.

Response: FWP agrees that owners bear the responsibility to control their pets and comply with the pet regulations. Although FWP has clearly articulated Smith River pet regulations to floaters, compliance remains low and the issues and impacts with pets remain real. Fines are established in the FWP Bond Schedule by the State Courts of Limited Jurisdiction. FWP could indeed request an increase to that fine, which may increase the deterrent factor. FWP is striving for an increased enforcement presence on the river, but is challenged to do so due to limited staffing and available coverage from commissioned enforcement personnel. Ultimately FWP believes that compliance with pet regulations is contingent on visitor behavior and respect for river recreation rules and regulations. To date, compliance with pet rules and regulations has been very limited, prompting FWP's position that pets should be prohibited. Formal loss of application and/or floating privileges represents a complicated legal matter. Typically such a sanction would require a conviction in a court of law for violation of pet regulations along with a civil penalty imposed during sentencing. This idea is also complicated by the fact that a pet owner on a float trip who is responsible for a pet violation may not actually be the permit holder. While this idea may increase the deterrent factor to some degree, FWP does not view this concept as a solution to the issues and concerns related to pets on the river.

- h) **Comment:** Require visible presence of a leash at put in along with verbal commitment of pet owner.

Response: FWP will implement the suggestion to require visual proof of a leash if pets continue to be permitted on the Smith River. A verbal commitment would be desirable but may not necessarily result in compliance once floaters leave Camp Baler and FWP's direct management presence.

- i) **Comment:** People will go to other rivers and/or stop coming to the Smith River if dogs are prohibited.

Response: FWP acknowledges that some visitors may choose to forego the Smith River if they cannot bring their pet. While this would be unfortunate, FWP must consider the welfare of the public and other concerns associated with pets on the Smith River.

- j) **Comment:** Loud groups and/or consumption of alcohol are more of a problem than pets.

Response: FWP agrees that public intoxication and/or disorderly conduct associated with alcohol are greater problems than pet issues. Those actions are also prohibited, represent a

completely different issue than pets, and do not diminish the issues and concerns regarding unleashed pets.

- k) **Comment:** Establish a dog check in to make sure dogs are current on vaccines, have tags, and have responsible owners.

Response: FWP already advises pet owners of pertinent pet regulations and responsibilities in the pre-float information packet mailed out in advance of the trip. The check-in concept would create additional workload that would significantly slow down the floater registration process at Camp Baker, while doing little to ensure compliance with pet regulations once pet owners launch and leave FWP's immediate management presence.

- l) **Comment:** Establish a self-policing policy where campsite conditions are reported in a campsite logbook. Issue a dog violation report form to each floater party to be used to document violations.

Response: FWP encourages all floaters to report violations of any river regulations as soon as is practicable. This is the best course of action to ensure that appropriate enforcement actions can be pursued. Maintaining a logbook at a boat camp would be very problematic due to weather conditions, suitable locations to maintain a logbook, and appropriate use of the book. Information entered in a logbook or a floater dog violation report would not necessarily be usable in a court of law with respect to a criminal prosecution, unless the observer was willing to testify in a court prosecution.

- m) **Comment:** Dogs enhance personal safety and have helped keep bears out of camp.

Response: Some dogs may enhance personal safety related to bears, mountain lions, or even other people. However, there is also ample evidence that dogs may have the opposite effect when they retreat to their campsite or master following an encounter with a bear or other wildlife, often with the dangerous animal in close pursuit. FWP's recommends appropriate campsite cleanliness and etiquette along with proper storage of food and garbage as the best means of minimizing conflict with dangerous wildlife. While always possible, there is no evidence of past violent crimes against persons on the Smith River.

- n) **Comment:** Hunting dogs are always unleashed when they are working. Concern about preferential treatment to hunting dogs.

Response: FWP has authorized unleashed dogs on the Smith River corridor during lawful waterfowl and/or upland game bird hunting. This activity typically occurs after the peak floater season is over, resulting in few user conflicts between pets and floaters. The hunting dog exception is only valid during actual hunting activity and does not apply to dogs in campsites.

- o) **Comment:** Apply rules currently in place for people by allowing dogs off leash below high water mark and on State lands.

Response: The high water mark issue discussed here relates to the Montana Stream Access Law, which is pertinent to human use of river corridors below the ordinary high water mark and not applicable to dogs. Allowing dogs off leash below the ordinary high water mark would not eliminate many of the issues previously identified in the draft Management Plan and

Environmental Assessment, particularly those related to potential harassment of injury to waterfowl and wildlife, pet waste disposal, and potential trespass onto adjacent private property.

- p) **Comment:** Even the best pets present some level of detriment to other river users and there is a tendency to abandon the rules as soon as management personnel are out of sight. There are many campsites on the Smith River that are in close proximity where pets may wander into neighboring campsites. It is very inconsiderate of floaters to bring pets and disturb other floaters trip. Prohibiting dogs would be an improvement to the Smith River experience.

Response: FWP acknowledges the importance of dogs and other pets as family members and important companions for outdoor recreation. FWP is also aware that pet owners often disregard the pet regulations once they leave Camp Baker. This lack of compliance and associated adverse impacts of dogs off leash has diminished the quality of the experience for many floaters prompting FW to recommend a prohibition on pets on the river.

- q) **Comment:** Dogs have been observed chasing an elk calf up the hill and attacking geese. Domestic animals ruin the expectation of seeing wildlife along the Smith River:

Response: FWP has received reports of and made personal observations of wildlife harassing and chasing wildlife in the river corridor. This issue represents one of the most compelling reasons for FWP to recommend a prohibition of pets on the river.

- r) **Comment:** Barking dogs and dog feces in boat camps is a concern. Perhaps FWP could install pyramid style dog fecal disposal units.

Response: FWP has received complaints from visitors related to noise pollution from barking dogs. Natural Quiet and solitude are important values for many Smith River floaters and barking dogs can degrade the quality of the experience. This consideration has influenced FWP's recommendation to prohibit pets on the river. While a dog fecal deposit unit might help to address the issue of pet waste in boat camps, these devices would require maintenance and eventual removal of the pet waste that has accumulated. A better solution is for each individual pet owner to properly police up and remove their pet waste from the river corridor.

- s) **Comment:** Waste left from wildlife and domestic livestock is much worse than dog waste.

Response: FWP agrees that waste associated with geese, cattle, and other animals is more common in the river corridor than pet waste. However, comments and complaints have been voiced from floaters who have encountered pet waste in campsites.

- t) **Comment:** Landowners and permit holders should not have to worry about being bitten by an overzealous dog.

Response: FWP agrees that landowners and permit holders should not be subjected to the threat of an aggressive dog. While the number of incidents involving dog bites is low, FWP has documented two incidents in the last three years involving dog bites that required medical attention.

- u) **Comment:** There are accounts of pet food broadcasted around a campsite that may create conflicts with bears, raccoons, mice, etc.

Response: FWP is concerned about potential conflicts between humans and black bears or other animals in the river corridor. Leaving dog food out provides a food attraction and potential reward that may influence bear behavior and affect public safety. FWP strongly recommends properly securing all food and garbage during the night or when a campsite is unattended.

- v) **Comment:** Would a pet prohibition be applicable on private, National Forest, or other lands not administered by FWP along the river corridor?

Response: A pet prohibition would apply only to FWP permitted (private, outfitted, and landowner) Smith River floats. FWP has the authority and jurisdiction to regulate in accordance with the Smith River Management Act, Smith River Special Use Area Rule, and ARM 12.8.203.

- w) **Comment:** Would it be illegal for a dog or pet to be present on a landowner float when no FWP land was used as part of the float?

Response: The prohibition would apply to animals (i.e. pets) on all permitted floats.

- x) **Comment:** Do not ban pets based on a few comments. The floater logs reveal very few public complaints about dogs.

Response: There were 40 individual comments received (53%) in support of a pet prohibition during the public comment period for the Smith River Plan and Environmental Assessment. In addition, annual floater logs continue to include complaints regarding pets on the river.

- y) **Comment:** The Lewis & Clark and Helena National Forest recognize the need to manage pets and establish a viable pet policy to limit and reduce social and resource impacts on the Smith River. We would support future regulations to assist FWP and address the pet issue on National Forest lands at boat camps if the need arises.

Response: FWP appreciates the support of its U.S. Forest Services partners on the Smith River. A pet prohibition can be implemented under the authority of FWP ARM 12.8.203 (Control of Animals) and controlled at the only authorized public put-in at Camp Baker.

6 HUMAN WASTE MANAGEMENT

Alternatives

Alternative A: Continue providing pit toilets at boat camps

Alternative B: Mandatory human waste pack out

Alternative C (Preferred by Agency): Increased research and monitoring of pit toilet impacts, water quality, and cultural resources; incentive-based human waste pack out; continue providing pit toilets in boat camps

Comments

- a) **Comment:** The current pit latrine system is working well and therefore changes are not warranted.

Response: FWP has identified several valid and challenging issues and concerns that influenced consideration of mandatory human waste pack out. Those issues include: disturbance to soil and vegetation; limited space for new pits in some campsites; potential disturbance to cultural resources; health and sanitation issues associated with current facilities; risk of exposing employees to health risks while working on unsanitary facilities; and the potential for human waste-borne pathogens to migrate to and contaminate the river or nearby streams.

- b) **Comment:** The pit latrines provide great views and peace and quiet.

Response: FWP acknowledges that many floaters find the view, location, and rustic character of the pit toilets to be a very positive experience.

- c) **Comment:** If maintaining the pit latrines consumes a disproportionate amount of ranger time and effort, FWP could use the Corridor Enhancement Fund hire additional staff to dig pit toilets or solicit volunteers to do this work.

Response: River Rangers have dug approximately 125 pits over the past 3 years. While there is concern about the amount of time rangers spend maintaining the pit latrines (rangers could use this time for fire grate maintenance, site restoration, and visitor education), FWP's primary concerns relate to important resource protection and stewardship issues. The Corridor Enhancement Fund could be used for many projects related to resource protection, including support staff, equipment, or facilities associated with pit toilet digging, research associated with pit toilet and human waste impacts, or packing out human waste. FWP does not have the resources to properly train and coordinate logistics for part-time employees or volunteers for the sole purpose of digging pit toilets. That function is performed by well-trained, full time seasonal River Rangers who perform a variety of boat camp maintenance, resource and visitor protection, and public contact duties during river patrols. Given limited staffing, it is important that river patrols perform a variety of duties. While volunteers can provide important work and support, they also encumber FWP with worker's compensation insurance liability that must be carefully evaluated and screened.

- d) **Comment:** The time rangers spend maintaining pit latrines could be used for other tasks like weed management, enforcement and education. Packing out human waste would result in a cost savings to the State.

Response: FWP agrees that there are numerous important tasks that River Rangers could and should engage in if they had more time to do so, including weed control, public education and contact, other boat camp maintenance and restoration work. Discontinuing pit toilets may provide some initial reduction in management costs, however those savings would probably be offset by costs associated with providing and maintaining human waste disposal facilities at or near the take-out. FWP views river stewardship and resource protection as the primary value of a human waste pack out program rather than cost savings.

- e) **Comment:** FWP could replace the pit latrines with composting and/or incineration toilets or treat pit toilets with chemicals (e.g. lime) or biological agents to reduce bulk and help them recover. FWP could remove waste from the pits once decomposition is completed.

Response: FWP carefully evaluated the concept of composting and/or incinerating toilets. Natural composting requires a vault with a sustained internal temperature of 100 degree F in order for the natural composting process to take place as well as frequent adding and mixing of organic materials. FWP is concerned that the required temperatures could not be sustained due to the limited direct sunlight within the inner canyon as well as relatively low average temperatures during April and May. Incineration toilets typically require a fuel source such as propane to support combustion. This would result in supplying over 50 boat camps with propane by transporting full propane cylinders down the river on a cyclic basis. Montana DEQ sources have advised that chemical intervention or agents added to pit toilets typically facilitate odor abatement only. There is no validated research to support the notion that chemical or biological intervention actually aids in the break down or decomposition of human waste in a pit toilet. Treating pit toilets with lime helps abate odor but does little to promote decomposition or bacterial break down of human feces or pathogens. The rate of decomposition for human waste in a pit toilet is highly variable and depends on a number of soil type and chemistry factors. Laboratory sampling would be required to ensure that the contents of a pit toilet are benign. Otherwise, excavating the contents of a pit toilet could expose pathogens on the surface of the ground. This action would require excessive handling of waste by River Rangers and expose them to an unacceptable health risk and transporting dug up waste off of the river presents a very expensive and logistically challenging activity. During the peak use season, pit toilets typically fill rapidly due to frequency and volume of use, prompting the need to dig additional pits. For these reasons, FWP concluded that composting, incineration toilets, chemical treatment, and removing waste from the pits are not practical or viable options.

- f) **Comment:** There is plenty of room in the river corridor for toilet sites.

Response: FWP has identified some campsites where locations for new pit toilets are extremely limited due to terrain features, required distance from water (>100 feet), and appropriate distance from tent sites. While there may seem like a lot of room in the river corridor, it is important to remember that approximately 80% of the river corridor is private property.

- g) **Comment:** The old pit latrine sites are slow to re-vegetate and have become unsightly. There is the potential for noxious weeds due to soil disturbance at pit sites

Response: FWP shares this concern for the visual and physical impacts associated with retired pit toilets. It is difficult to completely disguise former pit locations. Disturbed soil and vegetation associated with each pit represent a significant impact to the resource as well as the aesthetic appearance in the campsites. FWP is concerned about the potential for noxious weeds to invade these disturbed areas.

- h) **Comment:** A vault toilet disturbs considerably more soil and/or cultural resources than a pit latrine and would only be accessible on private land.

Response: A typical pit toilet disturbs approximately 14 cubic feet of soil. Pit toilets fill up on an average of every one to three years, depending on overall level of use. A small fixed concrete vault toilet would disturb approximately 250 cubic feet of soil and only has to be dug and installed once. Vault toilets would typically require a small structure with a roof, which would constitute a visual intrusion on the semi-primitive character of the river corridor and create an addition workload associated with structure maintenance. After careful consideration, FWP does not support the concept of installing vault toilets on the river corridor.

- i) **Comment:** The Smith is not like other rivers that require human waste pack out. The majority of those rivers are whitewater and remote wilderness rivers.

Response: The Smith River shares many characteristics with western rivers that have mandatory human waste pack-out programs. In particular, many of those rivers flow through remote, roadless areas much like the Smith River. The lack of road access to the majority of boat camps on the Smith River makes alternatives such as pumping and removing waste from concrete vault toilets unfeasible and influences FWP's long-range desire to remove human waste from the river corridor.

- j) **Comment:** The current pit toilets require a public Waste Water Disposal Permit from Montana DEQ in accordance with 75-10-221, MCA.

Response: Montana DEQ sources have advised that this law is applicable only to toilets that serve a minimum of 25 persons for a sustained period exceeding 60 days. The pit toilets on the Smith River do not meet that threshold and are therefore exempt from that law.

- k) **Comment:** Domestic livestock and wildlife introduce more E. coli and fecal coliform than human waste.

Response: Fecal coliform, E. coli, and other pathogens associated with all warm-blooded mammals including domestic livestock enter the Smith River. However, some pathogens are unique to human waste, including Salmonella enterica serovar, Shingella dysenteriae, Bacteroides Prevotella, and human specific pharmaceuticals.

- l) **Comment:** The Smith's Precambrian limestone provides a direct conduit to the river. Human waste is making it to the river.

Response: FWP is concerned about the potential for human waste-borne pathogens to migrate into the river or nearby streams. The potential for this to occur is certainly influenced by the types and characteristics of the soil and underlying geologic formations in the Smith River corridor.

- m) **Comment:** The DEQ study on fecal coliform and E. coli cited in the Plan and EA is very inconclusive. Conclusive evidence is lacking to support that human waste has any effect on the river or health risk.

Response: FWP agrees that the results of the 2002 study are inconclusive and do not indicate an immediate crisis. In discussing this issue with Montana DEQ, FWP learned that it is very difficult to isolate human waste-borne pathogens in rivers and streams during water quality testing and research. However, there are case studies from other areas in Montana where outbreaks of water-based disease have occurred with little or no forewarning. FWP concluded that there is potential for human waste-borne pathogens to enter the Smith River waterway or tributary streams at some date in the future.

- n) **Comment:** Pit toilets are disease vectors. FWP has a duty to protect and preserve the area, not to continue an unsanitary system.

Response: FWP shares this concern for public health and sanitation. There are a number of pathogens, a few of which are unique to humans, which can be transmitted through human feces. Depositing human waste in pit toilets concentrates waste in holes and introduces the possibility that human waste-borne pathogens may be present on the toilet, and/or eventually may migrate into the river or nearby streams. The toilets currently provided are used by multiple persons and are not sanitized on a daily basis. While some visitors enjoy the experience of using an open-air toilet, others may view them as unsanitary.

- o) **Comment:** More research is needed in the area of water quality and environmental impact to find a biological waste-consumption solution. FWP should continue with pit toilets in the meantime.

Response: FWP has identified several potential research needs related to human waste and/or pit toilet impacts to cultural resources, water quality, sanitation, and soil and vegetation disturbance. FWP agrees that protection of water quality is vital to the long-range conservation of the Smith River corridor. While research data is limited and does not reflect an extreme threat of water quality degradation, there is potential for human waste-borne pathogens to eventually migrate into the river or nearby streams.

- p) **Comment:** FWP should conduct a cultural resource study to ensure that pit toilets do not damage or disturb cultural resources.

Response: FWP agrees and will pursue a cultural resource inventory and survey at boat camps.

- q) **Comment:** Urine disposal would still be an issue if FWP moves to a pack out system.

Response: Urine can be deposited effectively in Wag Bags but typically is excluded from rocket boxes or groovers due to volume and capacity issues. Acceptable Leave No Trace

techniques in the Smith River corridor include urinating in the moving river water, below the high water mark, or on land well away from campsites.

- r) **Comment:** A human waste pack out requirement would result in human waste getting dumped directly into the river due to capsizing or accidental loss.

Response: Portable toilets are available with sealed gaskets to prevent spillage and leakage. Commonly referred to as “rocket boxes” or “groovers” these products are widely used on western river corridors that have human waste pack out programs. The lack of major rapids on the Smith River reduces the frequency of capsized watercraft.

- s) **Comment:** Prior to the pit latrines there was a problem with human waste and toilet paper deposited on the landscape. Delinquent or irresponsible river floaters will choose to deposit excrement in the river or surrounding area. FWP must realize that a pack out requirement would be difficult to enforce.

Response: FWP agrees that there were serious public health and sanitation issues prior to providing pit toilets in the boat camps. Pit toilets provided a successful solution to that issue. However, over time, the cumulative impacts and concerns associated with pit toilets have increased, prompting FWP to consider a different long-range solution to human waste management on the river corridor. Compliance on western rivers that have mandatory human waste pack out programs has been quite good. This is in part due to new equipment and technology that makes packing out relatively simple and convenient to accomplish. Maintaining an appropriate law enforcement presence on the river is one of many elements required to successfully implement and manage a pack out program. This includes establishing appropriate penalties, fines, and deterrent factors. These are responsibilities that FWP would take seriously when implementing a pack out program.

- t) **Comment:** It is standard practice on all regulated multi-day trips across the west to require self-contained toilet units for every user group. The Smith River is the only heavily used river corridor in the west that does not have pack out sanitation regulations in place. The overwhelming weight of evidence supports adoption of a mandatory human waste pack out policy.

Response: FWP identified over 40 rivers that have mandatory human waste pack out programs. In consulting with other western river management agencies, FWP learned that the pack out programs are largely successful and appropriate equipment and supplies are available to allow the public to properly and conveniently pack out human waste. The Smith River is one of a few major western river corridors that do not have a human waste pack out program.

- u) **Comment:** FWP should embrace a better land use ethic by implementing a mandatory pack out system. Pit toilets are detrimental to the Smith River corridor and are unsustainable. Packing out human waste is not a concern, especially if research shows impacts to the surrounding environment, and should be implemented sooner rather than later.

Response: FWP agrees that the highest standards of land ethic and stewardship should be applied to the management of the Smith River. This position has influenced FWP’s long-range goal of implementing a mandatory human waste pack out program.

- v) **Comment:** The wag bag system works well. The preferred system is the PETT or Wag Bag system.

Response: Smith River Rangers and Managers have been using Wag Bags for the past to float seasons and are pleased with their function and performance. They are convenient and easy to transport. FWP's vision of a future pack out program would include more than one authorized method to remove human waste from the river corridor, including Wag Bags, which use biodegradable materials, not plastic. FWP would conduct an active education and outreach program to help the public learn about appropriate equipment and techniques related to human waste pack out systems.

- w) **Comment:** Open pit toilets in a highly confined and heavily used wild river corridor reflect archaic management techniques. The technology is already available for packing out human waste. It will be important to have a facility at the take-out to dump waste. Scat machines are convenient, relatively sanitary, and by far the most functional method of dealing with such waste. Scat machines eliminate the need for excessive use of plastic bags.

Response: Equipment and technologies are widely available to facilitate effective and convenient human waste pack out from river corridors. There are over 40 river corridors in the U.S. currently requiring human waste to be packed out and the Smith River is one of few major western river corridors that do not have a mandatory pack out program. FWP considers the following techniques and equipment as acceptable means of human waste removal: Portable "rocket boxes" or "groovers" with gaskets to prevent spillage or leakage; portable Wag Bags that can be incinerated or deposited in landfills. FWP would pursue the installation of a scat machine for proper disposal at or near the take out.

- x) **Comment:** Leave privacy fences, paths and signage in place for people using portable toilet systems.

Response: FWP would consider maintaining these facilities to provide privacy during portable toilet use.

- y) **Comment:** FWP could have portable toilets available at Camp Baker or at stores in White Sulphur Springs

Response: FWP would provide Wag Bags for sale at Camp Baker and encourage local vendors in White Sulphur Springs to sell high quality, approved styles of portable toilets.

- z) **Comment:** Packing out human waste would be more popular if an incentive is provided and/or it is done on a voluntary basis.

Response: FWP is considering a floater fee discount of \$5.00 per person for all parties who voluntarily agree to properly pack out their human waste using approved equipment.

- aa) **Comment:** FWP should provide vault toilets that accommodate disabled persons.

Response: ADA accessible concrete vault toilets than can be pumped would be preferable in many ways. However, given the lack of road access to most of the boat camps, installation and subsequent pumping of vault toilets is not deemed feasible.

- bb) **Comment:** The department recommends cat holes for human waste disposal away from boat camps and then later in the plan discourages cat holes.

Response: Properly dug cat holes (6"-8" deep, in organic soil, and at least 200 feet from water) are generally considered an acceptable Leave No Trace technique in remote areas where public toilet facilities are not available. However, use of cat holes along the Smith River is discouraged due to the possibility that they would be placed on private land. On many reaches of the river, finding and/or selecting a suitable cat hole location at least 200 feet from water may be difficult to accomplish and/or ignored. FWP occasionally finds improperly disposed human waste and toilet paper, well within the 200-foot distance from the river corridor. The best overall solution for human waste disposal on a river corridor is to carry an approved pack out system on the watercraft so that the lack of a public toilet facility does not result in inappropriate waste disposal.

- cc) **Comment:** The Lewis & Clark and Helena National Forest believe it is no longer reasonable to continue depositing human waste in large quantities and concentrations in pit latrines on National Forest System Lands along the Smith River Corridor. The current pit latrine system continually exposes the public and employees to unsanitary conditions posing an unacceptable health and safety risk and requires repeated ground disturbance in and around two known cultural sites on National Forest Systems lands. [The Forests] support and strongly encourage FWP to implement a mandatory human waste pack out system which will address current and potential impacts to soils, water quality, vegetation, cultural resources, and public health and safety. This could be accomplished through a phased-in approach after appropriate disposal techniques are identified; sufficient disposal facilities provided and effective education and outreach efforts had been accomplished.

Response: The Lewis and Clark and Helena National Forests are important agency partners in the management of the Smith River corridor with 28 boat camps located on National Forest System lands. FWP will continue to work cooperatively with the Forests on a long-term solution for human waste management in the Smith River Corridor.

7 OUTFITTER ADMINISTRATION

Alternatives

Alternative A: Continue Current Outfitter Allocation and Permit System

Alternative B (Preferred by Agency): Maintain Current Outfitter Allocation; Modify Outfitter Launch Cancellation & Calendar Process; & Improve Outfitter Administration

Comments

- a) **Comment:** Comments from outfitters will have no bearing on the final decision.

Response: FWP recognizes that commercial fishing and river outfitting is a valued service and provides a benefit to those people seeking professional guide services on the Smith River. The Smith River Management Act mandates FWP to preserve the availability of outfitting services to the public. FWP considered all of the comments prior to adopting the Final Recreation Management Plan and EA Decision Notice, including those submitted by Smith River outfitters.

- b) **Comment:** The cancellation policy for both outfitted and private groups can be improved.

Response: The Draft Plan proposes that outfitters cancel all un-booked launches a minimum of 14 days prior to the launch date (current policy is two days prior to launch date). FWP will consider modifying the cancellation policy for private groups as well.

- c) **Comment:** Alternative B is acceptable as long as outfitters don't have an unfair advantage over private groups. Outfitters should be required to lock in their launch dates prior to the drawing and make unoccupied dates available to the public in the drawing.

Response: The Draft Plan would require outfitters to lock in launch dates no later than one-week prior to the drawing and make all other dates not occupied by an outfitter available to the public during the drawing. Currently, dates not occupied by an outfitter are not made available to the public in the drawing and are set-aside for outfitters, allowing them the flexibility and advantage of rescheduling a launch without having to compete for an open date through the reservation system. FWP's recommendation would require outfitters to compete with the public, after the drawing, if they wanted to move a launch date. This change would result in approximately 30 additional launches for the public in the drawing.

- d) **Comment:** The proposal to modify the cancellation policy for outfitters from two days notice to 14 days would allow a private group who adequate time to acquire a cancelled outfitter permit and plan and prepare for their trip.

Response: The Draft Plan would require outfitters to cancel all un-booked launches a minimum of 14 days prior to the launch date (current policy is two days prior to launch date). The intent is to improve the public's opportunities to obtain a cancelled launch in a timely manner.

- e) **Comment:** The total number of outfitters should be capped at nine and over time FWP should reduce their numbers. If outfitters are non-compliant with the terms and conditions of their permit, FWP should immediately revoke their permit.

Response: FWP recognizes that commercial fishing and river outfitting is a valued service and provides a benefit to those people seeking professional guide services on the Smith River. The Smith River Management Act instructs FWP to preserve the availability of outfitting services to the public. FWP will continue to manage outfitting on the Smith River to ensure compliance with the permit terms and compatibility with the non-guided floating public.

- f) **Comment:** Allocating guaranteed launches to the outfitters provides an unfair advantage to wealthy non-residents who can afford to pay for a Smith River float. This is unfair to those who cannot afford an outfitted trip and have to secure a permit through the lottery system. Outfitters should be providing a service to those that truly need assistance floating the river such as the very young or old or those with limited physical abilities.

Response: FWP recognizes that commercial fishing and river outfitting is a valued service and provides a benefit to those people seeking professional guide services on the Smith River. FWP has no control over the prices outfitters charge or whom they market their trips to. Smith River outfitters have provided services to those who do not have the skills or abilities to safely row a raft or drift boat down the river.

- g) **Comment:** There have been incidents (observations) of outfitters behaving rudely on the Smith River.

Response: FWP strives to hold outfitters and their guides to the highest standard of professional and lawful conduct. FWP has recently updated the terms and a condition of Smith River outfitter permits to ensure the highest standards of ethical and lawful conduct and reviews these terms and conditions annually with the outfitters. In addition, FWP is developing disciplinary guidelines for failure to comply with the terms, conditions or stipulations of the permit. If and when rude behavior falls within the definition of Disorderly Conduct, FWP will take enforcement action.

- h) **Comment:** FWP should cap the total number of outfitters to nine and reduce the number of launches and total people to the 16-year average of 49 launches and 575 total people.

Response: One reason why outfitters have been unable to book all of their allocated trips is due to late summer and early fall drought conditions resulting in un-floatable river flows. This may change if flows improve in the future.

- i) **Comment:** If outfitters are concerned that boat camps cannot accommodate groups of 15 people, FWP should restrict their group size rather than increasing the size of boat camps. To compensate them for the reduced group size, FWP could allocate outfitters additional launches. Doing so would reduce competition between commercial and private groups for the larger boat camps.

Response: FWP, in consultation with the Citizen's Advisory Group, determined that the current maximum group size of 15 people and nine launches per day would be maintained, for both outfitted and private groups. This decision was based upon recorded satisfaction levels derived from responses in past floater logs as well as comparing group size and launch limits of rivers across the United States similar to the Smith River. By maintaining the current maximum group size of 15, FWP will continue to ensure that all boat camps can adequately accommodate 15 people.

- j) **Comment:** The number of permits allocated to Smith River outfitters is appropriate. Outfitters have a vested interest in maintaining the quality of the floating experience and preserving the resource.

Response: Smith River outfitters can provide desired services to the public when properly managed. The Smith River Management Act instructs FWP to preserve the availability of outfitting services to the public. FWP strives to hold outfitters and their guides to the highest standard of professional and lawful conduct and to be model public land stewards.

- k) **Comment:** Outfitters on the Smith River are unnecessary. Outfitters were allocated launches based on historical use but the public was not. Being able to buy your way onto the river is unfair. When an outfitter decides to no longer use his permit, FWP should eliminate the permit and not reissue it to another outfitter.

Response: Smith River outfitters can provide desired services to the public when properly managed. The Smith River Management Act instructs FWP to preserve the availability of outfitting services to the public.

- l) **Comment:** Limit the maximum group size for outfitters to 12 people.

Response: FWP, in consultation with the Citizen's Advisory Group, determined that the current maximum group size of 15 people and nine launches per day would be maintained, for both outfitted and private groups. This decision was based upon recorded satisfaction levels derived from responses in past floater logs as well as comparing group size and launch limits of rivers across the United States similar to the Smith River.

- m) **Comment:** Alternative B states that FWP will “monitor riverbank wade-fishing outfitting (not associated with a float trip) that originates on private property but extends into the streambed. If necessary, identify acceptable levels of use, permitting requirements and/or restrictions.” FWP has not demonstrated that a resource or social problem exists with wade-fishing outfitting. Most decent wade fishing occurs after the float season has ended and the amount occurring is very low.

Response: FWP is aware that commercial wade fishing guiding, via private land, is occurring on the Smith River between Camp Baker and Eden Bridge. The Draft Management Plan proposes to “monitor” this activity if it extends into the streambed, which is state owned and administered. If necessary, based upon levels of use, FWP would identify any existing permitting requirements or restrictions that may be applicable. FWP will also monitor to assess whether commercial wade fishing, originating on private land, also occurs on adjacent Forest Service and FWP lands.

- n) **Comment:** Sections g and h of Alternative B appear to conflict with one another.

Response: Outfitters currently operate under a permanent launch calendar with 73 launches scheduled during the months of May, June, July and September. Prior to the public lottery drawing, one of the nine total launches per day is set-aside for outfitters during these months. In addition, two of the nine total launches per day are set-aside for outfitters on Sundays and Wednesdays during the outfitter peak season (defined as the final Sunday in May through the first Saturday in July). This practice of setting aside these launches has allowed outfitters the flexibility and advantage of rescheduling a permanent launch date without having to compete for an open launch through the cancellation system. It has also resulted in a net loss of approximately 30 peak season (May – July) launch dates available through the lottery for the public. The intent of Alternative B is to increase the public's opportunity to draw a permit in

the lottery drawing and make it easier for the public to obtain a launch cancelled by an outfitter. It will also allow the outfitters greater flexibility to reschedule launches prior to the drawing.

- o) **Comment:** The proposed Smith State Park Planning Process continues to allow Smith river outfitters to 'lease, rent, or otherwise receive compensation from another Smith River outfitter for the opportunity to use a Smith River outfitter launch within a single use season.' The existing Big Hole, Beaverhead rules disallow any such leasing or renting of Big Hole or Beaverhead days. The Forest Service 'use-it-or-lose-it' approach may have Smith river outfitters maneuvering to 'use' - in this case, by renting - all their allocated launches, but the question remains: Why are Smith river outfitters allowed to charge each other for launches while the Big Hole and Beaverhead outfitters are not? The commissioners can anticipate this question from the Big Hole and Beaverhead outfitters when those river's rules come up for consideration before 2010. Similar questions may be asked about the Blackfoot river, also.

Response: The Commission is scheduled to update the Commercial Use Rule, the Smith River Special Use Area Rule, and the Beaverhead and Big Hole rules later this year (2009). This will be an appropriate time for the Commission to consider this issue and question.

8 COMMENTS PERTAINING TO THE CITIZEN ADVISORY COMMITTEE

Alternatives

There were no alternatives prepared for this topic.

Comments

- a) **Comment:** The CAC failed to include out-of-state landowner representation. Out-of-state landowners own seventy-five percent of the land along the Smith River. Many of these landowners have conservation easements on their property that benefit the public. Some of these landowners lease land to FWP for boat camps. This important sector of the population should have been represented on the CAC.

Response: FWP appreciates this concern about nonresident representation. One of the challenges of nonresident participation on an advisory committee is the logistics of committee meetings and whether someone residing out of state could fulfill a commitment to attend frequent meetings in Montana. FWP advertised the opportunity to participate on the Smith River Advisory Committee but did not receive any applications from non-residents.

- b) **Comment:** People from throughout Montana use the Smith River and therefore the CAC should have included representatives from all parts of the state, rather than just the vicinity of Great Falls, White Sulphur Springs, and Helena. FWP could have used video conferencing technology to reach people from outside these areas.

Response: When appointing the Citizen Advisory Committee FWP was looking for representation of various interest categories, e.g. general floating public, landowners, outfitters, etc. FWP also sought representation from different geographic regions and balanced this with

the need to keep costs manageable. While representation from additional geographic regions in Montana may be desirable, the costs and logistics of bringing people together from around the entire state is a challenge. FWP asked the committee to think about and speak for a broad array of interests and locals, not just their own personal interests.

- c) **Comment:** The members of the CAC did a great job and their efforts are appreciated.

Response: The committee worked very hard and carefully considered each management challenge before making its recommendations. FWP appreciates the work of the committee and the time and passion each member brought to the process.

- d) **Comment:** FWP did not provide an opportunity for public comments at the CAC meetings as required by law.

Response: FWP recognizes that there are non-committee members who wish to provide their input at committee meetings. Due to the limited amount of time the committee has to meet and the complexity of their work, FWP kept the focus on the committee. FWP did provide time at each meeting for the public to introduce themselves and offer general input.

9 COMMENTS PERTAINING TO BOAT CAMP RESOURCES AND MANAGEMENT

Alternatives

There were no alternatives prepared for this topic.

Comments

- a) **Comment:** FWP should not enlarge any of the boat camps. It would not be necessary to enlarge the boat camps if FWP reduced the maximum group size. The resource conditions at the boat camps are degraded due to too many people using the sites. The only effective way to address this problem is to reduce use.

Response: The Smith River already has one of the lowest maximum group size limits of all major western rivers. FWP has carefully evaluated the size and physical limitations of all boat camps and believes that all existing boat camps can accommodate the maximum group size of 15, although some are more crowded than others when accommodating the maximum group size. FWP has considered reducing maximum group size but does not support that position at the present time.

- b) **Comment:** The Environmental Assessment speaks of improving the separation between boat camps where privacy and solitude are compromised. There is little evidence to suggest that the public is concerned about the level of privacy at boat camps.

Response: FWP has received comments in the floater logs regarding noise pollution and proximity of adjacent boat camps. For example, the 2008 floater logs included 18 complaints

that the some boat camps were too close together and another 5 complaints regarding noise and social conflicts with an adjacent campsite. The 2000 Smith River Floater Survey also indicated that the opportunity to camp out of sight and sound of other parties and the absence of noisy campsite neighbors as highly desirable indicators of a positive experience.

- c) **Comment:** FWP should consider land-swaps as way to acquire additional boat camps without expending money.

Response: FWP recognizes land swaps as a potential means of acquiring new boat camps in strategic locations. FWP is also very interested in Conservation Easement. Leases, or other agreements to secure and protect boat camps and the river corridor viewshed. All types of land transactions are complicated and require willing private landowner participation.

- d) **Comment:** The Environmental Assessment proposes to close the Middle Trout Creek Boat Camp despite that this is the most popular of the three sites in this location. Without this camp, floaters would have to use another location: Bear Gulch is a less desirable site and Crows Foot is often already taken.

Response: FWP proposes to eliminate the Middle Trout Creek Boat camp to improve campsite separation and reduce congestion associated with three very tightly spaced campsites. The eliminated campsite would be relocated on FWP land approximately 1 river mile downstream on river left near the confluence of Trout Creek.

- e) **Comment:** It would be beneficial to develop a new boat camp near Deep Creek. FWP should also explore opportunities to develop a new boat camp on the Robertson Homestead site.

Response: FWP is making plans for a new boat camp on river left, just upstream from Deep Creek on a Conservation Easement located on private property. FWP anticipates that this boat camp will be available for public by the beginning of the 2010 floater season or earlier.

- f) **Comment:** The Environmental Assessment proposes to close the Merganser Bend and Upper and Lower Black Butte boat camps. If these camps were closed, the public would not have enough camping options without floating twenty miles on the last day.

Response: FWP would not close these boat camps unless suitable alternatives are located within a mile or two of these boat camps.

- g) **Comment:** The Middle Givens boat camp should be closed due to the cut-bank present there. FWP should locate an alternative site as soon as possible.

Response: FWP has closed this boat camp due to public safety concerns associated with this steep cut bank, effective for the 2009 floater season. FWP is currently evaluating possible alternate locations for this boat camp.

- h) **Comment:** Camp Baker should not be developed as a campground for the reason that this would encourage long-term camping and this would interfere with the float use of this site. Similarly, floaters need the space at Camp Baker to organize their gear and establishing campsites would limit the space available.

Response: FWP would address the issue of long-term camping during the peak floater season by imposing appropriate length of stay limits. During the non-floater season, length of stay limits could be extended with little impact on floaters. FWP would design and locate a campground in an area that is separated from the boat launch area. Gear organization would be encouraged at the campsites as a means of reducing congestion at the boat launch area. FWP believes there is adequate space available at the Camp Baker site to accommodate overnight camping and floater staging.

- i) **Comment:** Poison ivy in and around the boat camps is a health threat and should be addressed. Ants are also a significant problem at some boat camps, e.g. Lower Rock Garden boat camp, and FWP should warn the public about the threats at these sites, remove the poison ivy and ants, and/or find an alternative location for the camps.

Response: FWP agrees with these observations and intends to notify floaters using these boat camps of this health threat. FWP also intends to take progressive action to mitigate these threats.

10 COMMENTS PERTAINING TO RESOURCE PROTECTION

Alternatives

There were no alternatives prepared for this topic.

Comments

Note: Some people provided resource input when commenting on various management issues and topics. This section includes general comments pertaining to resource protection.

- a) **Comment:** In general, the resources of the Smith River are over-used, and as a consequence, have suffered considerable, documented environmental damage.

Response: FWP has observed resource impacts at some of the boat camps and is examining ways to help mitigate these impacts. FWP began a monitoring program in recent years to monitor vegetative and soil impacts at the boat camps. FWP is discussing the idea of hardening some of core areas at boat camps as a means to address this problem. This could include placement of gravel in the cooking area and tent locations. Hardening the core areas helps to concentrate the use in appropriate locations and reduce the expansion of use into inappropriate (resource sensitive areas). FWP actively promotes Leave No Trace outdoor skills and ethics as an important means of minimizing social and resource impacts.

- b) **Comment:** There should be a weed control effort for the entire river corridor, assisted by the adjoining counties.

Response: FWP agrees that noxious weeds are a serious concern. FWP has and will continue to work cooperatively with local and state agencies and private landowners to address this

problem. FWP has worked jointly with the U.S. Forest Service to conduct annual weed spraying and weed pulling activities and has used biological controls along the corridor. FWP also provides information to floaters about the problems associated with noxious weeds and ways to help prevent their spread.

- c) **Comment:** The Draft Plan states that the quality of water is one of the most important issues for the Smith River and yet the plan inadequately addresses this topic and offers few proactive suggestions. It is important to investigate new alternatives for protecting and enhancing the water and stream flows in the Smith River. This should include in stream water leasing, water banking or other cooperative efforts projects that improve main stem and tributary stream flows during critical periods and natural hydrologic functions year-round. FWP should consider using Corridor Enhancement Account funds for this purpose.

Response: The Parks Division and the Smith River Recreation Management Plan recognizes the importance of water quality but does not directly address this issue because the primary focus of the plan is recreation management. In 2007 the FWP Fisheries Division dedicated half of the time of a Future Fisheries Improvement Program (FFIP) biologist to address the water quality, water quantity, and fish habitat problems by working collaboratively with landowners and other agencies on these issue where possible. In addition, the FFIP biologist is responsible for an inventory of irrigation diversion structures, barriers, and entrainment problems in the upper Smith River drainage. Smith River Corridor Enhancement Account funds may be used to partially fund some of these habitat projects. The Fisheries Division, in cooperation with the Bair Ranch Foundation and the Montana Cooperative Fishery Research Unit, is launching a study in the Smith watershed that will examine trout life history. Fisheries technicians and a graduate student will begin this work in the summer of 2009. The inventory and life history research will provide much needed information that allow prioritizing habitat work in the watershed to maximize effectiveness of the funds expended including the Corridor Enhancement Account.

11 GENERAL COMMENTS

Alternatives

There were no alternatives prepared for this topic.

Comments

- a) **Comment:** FWP should attempt to purchase more land along the river as a means to protect the view and prevent the development of houses along the river.

Response: FWP recognizes that the viewshed along the Smith River is an important part of the float experience. Land acquisition and conservation easements are some of the tools that FWP uses to preserve habitat and viewsheds. FWP will continue to pursue such measures to protect the corridor.

- b) **Comment:** The Smith River staff does great work.

Response: FWP appreciates the public's support and will strive to manage the Smith River for a quality experience.

- c) **Comment:** The proposal to produce a Smith River trip planning video or DVD is an excellent idea. FWP might also consider producing a PBS television program about the Smith River float trips.

Response: FWP intends to produce a video filmed on location that promotes river stewardship and provides an important tool to plan and conduct responsible, safe and enjoyable Smith River float trips.

- d) **Comment:** The lack of river etiquette and boating skills is a concern. FWP should provide more information on these topics during the orientation session.

Response: FWP will evaluate its floater orientation message and ways to include information on river etiquette. FWP does not teach boating skills and this is probably outside the scope of work for a government agency. Recommendations for safe and responsible floating is included on the Smith River website and the floater information packet.

- e) **Comment:** FWP should increase motorized access within the river corridor. This would benefit the public and help FWP with maintenance work. Corridor Enhancement Account funds could be used for this purpose.

Response: Much of the land along the Smith River is private and therefore opportunities to expand motorized access to the river corridor are fairly limited. The primitive characteristics of the Smith River are important values to many floaters that are enhanced by the limited amount of motorized access to the river. FWP does not intend to pursue additional motorized public access opportunities.

- f) **Comment:** FWP should consider whether or not the social experience has improved since the implementation of the permit system. Prior to the regulations people regulated themselves and problems were limited to holiday weekends.

Response: Smith River floater logs indicate that in general people floating the river are satisfied with their experience. The current management approach and permit system was developed in response to public concerns about the conditions on the Smith River. While self-regulation can be a viable means of addressing concerns, FWP does not conclude that this is the best approach for the Smith River given the amount of interest and levels of use.

- g) **Comment:** FWP could address a number of serious management concerns with funding from the Corridor Enhancement Account. Floaters would appreciate knowing that their fees are used to improve the Smith River.

Response: This type of information is always available upon request. The Smith River Annual Report is also a good source of information about recent, ongoing and future improvements on the Smith River. FWP has the ability to use Corridor Enhancement Account funds for improvements on the Smith River for projects that are related to resource protection and enhancement. FWP is currently using some of the funds to help to pay for a fisheries research

project. FWP has intentionally reserved much of the account funds for special projects that may arise in the future, e.g. securing land for a boat camp.

- h) **Comment:** Out of concern for bears and floaters, FWP should pursue ways to ensure proper storage of food at boat camps (secure from bears).

Response: The management plan raises some concerns about potential conflicts between floaters and wildlife (primarily bears) and the problem of food habituated bears. FWP and the U.S. Forest Service have communicated about a coordinated approach for addressing these concerns. This could include implementing a food storage order in the future. Prior to implementing food storage order FWP will expand its efforts to educate floaters and landowners about the need to keep food, garbage, etc. out of reach of bears. FWP would also assess the methods available for storing food to determine what is acceptable and reasonable for the Smith River.

- i) **Comment:** The proposal to increase river patrols and public interaction is a good idea. Similarly, it is a good idea to establish maintenance crews.

Response: FWP's goal is to enhance its ranger presence on the Smith River with more emphasis on visitor contacts and outreach. This could also include additional staff for conducting routine maintenance at boat camps and at the put-in and take-out. FWP must obtain legislative approval to add additional employees and any such decision must be preceded by a careful analysis of costs and benefits to the public and the agency. It should be noted that the Forest Service is providing a seasonal river ranger in 2009 as a means of increasing their presence on the Smith River.

- j) **Comment:** Consider allowing floaters to have a layover day on the river – a day that they would not have to move camp.

Response: Layover nights (2 or more nights at the same camp) are permitted at mid-canyon sites (Two Creeks to Upper Parker), however, only one layover night is permitted during the high use season (May 25-July 10). From June 10 through July 10 floaters are restricted to 4 nights maximum stay on the river once they launch. These restrictions were put into place to prevent bottle-necking (lack of boat camp availability) in the upper and lower reaches of river.

- k) **Comment:** It would be easier to comment on the plan if the document included the boundaries of the Smith River State Park

Response: The Smith River State Park is a linear park that includes the entire river surface between Camp Baker and Eden Bridge. The park also includes non-contiguous land areas owned or leased by FWP and boat camps located on National Forest lands that are managed by FWP through a cooperative agreement.

- l) **Comment:** The document does not discuss State ownership of the land under the riverbed. DNRC claims ownership.

Response: The plan notes that because the Smith River is a navigable stream, the streambed below the high water mark is state owned and that the DNRC is responsible for this area (pg.

19 of the Draft Plan). FWP does not exercise management authority over the streambed, but is authorized under the Smith River Act to manage the river surface and recreational floating activity between Camp Baker and Eden Bridge.

- m) **Comment:** How does this document incorporate, fit with or implement the comprehensive Fish and Wildlife comprehensive strategy? Why is the strategy not referenced in this plan? Why does this plan not discuss county growth policies or land use plans impacting this and surrounding lands?

Response: The Recreation Management Plan focuses primarily on recreational activities occurring on and along the Smith River, which is why the plan does not provide information pertaining to the Fish and Wildlife Comprehensive Strategy. The plan recognizes that natural resources and viewsheds are important components of the Smith River float experience and that resource protection and management is integral to the program. Similarly, the plan states that FWP will strive to maintain the river corridor's natural appearance and scenic viewshed for the enjoyment of the public.

- n) **Comment:** Page 17 lists the research conducted by FWP staff to prepare the plan. The plan needs input from and involvement by the County Government, conservation districts and landowners impacted before final adoption of this plan.

Response: FWP met with a member of the Meagher County Commission prior to releasing the draft plan. FWP also appointed a Cascade County Commissioner and two landowners to the Citizen Advisory Committee. FWP did not receive any comments from conservation districts but will continue efforts to maintain dialogue with the various county, state and federal agencies that have an interest in the management of the Smith River.